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REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action mailed November 28, 2005. Claims 1 and 18 are amended to more clearly recite features of the claimed invention. Claims 1-28 remain pending in the application. Applicant respectfully requests allowance of all pending claims in view of the following remarks.

Rejections under 35 USC § 102

The Examiner rejected all of the claims under 35 USC § 102(e) as being anticipated by United States Patent No. 6,594,268 to Aukia et al. (Aukia). Applicant respectfully traverses the Examiner's rejection.

To establish a *prima facia* case of anticipation the cited reference must teach every element of the claim (MPEP § 2131). As explained below, Applicant respectfully submits that Aukia does not teach the Applicant's invention as claimed.

Claim 1, as amended, recites a system including "at least two diverse paths mapped through the switch fabric from a common input interface to a common output interface, each path being optimized to satisfy respective different latency requirements" and "a latency classifier adapted to route each traffic stream to a selected path optimized to satisfy latency requirements most closely matching a respective latency requirement of the traffic stream". Independent claim 18 has been similarly amended.

In paragraph 3 of the Office Action, the Examiner asserts independent claims 1 and 18 are anticipated as Aukia teaches "*a method for conveying (routing) both high and low latency (delay/QoS) traffic streams across a switching fabric with at least two diverse paths (multi-path) mapped through the switch fabric* (item 206 of Fig. 2, col. 8, lines 62-67, col. 9, lines 60-66, col. 10, lines 3-23)." Applicant submits that the Aukia does not disclose that at least two diverse paths are mapped through the switch fabric from a common input interface to a common output interface, each path being optimized to satisfy respective different latency requirements. In contrast, Aukia provides for routing packets into network packet flows defined by specific output interfaces from a router into the network. For example at Col. 10, lines 14-23 Aukia teaches "...*packet classifier 203 contains one or more packet filters determining filter rules to be applied to each received packet. Based on the rules, route allocation processor 206, which may simply be a cross-bar switch, redirects the packet from the buffer section 205 to one or more corresponding output ports of the output link interface 207. Output link interface 207 may define one or more output ports, and may*

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comprise transmit sections of one or more line termination cards that terminate at least one transmission line." There is no suggestion by Aukia of defining paths through the switch fabric but rather Aukia teaches routing packets into a network via specific output interfaces based upon packet filters.

The present invention provides a system and method of providing one or more paths through a switch fabric based upon latency requirements of the traffic to improve the transport efficiency through the switch fabric. This element is not taught or suggested by Aukia. Applicant therefore submits that independent claims 1 and 18 present subject matter which is not anticipated and therefore respectfully requests that the Examiner's rejection be withdrawn.

As independent claims 1 and 18 present subject matter patentable over Aukia, dependent claims 2-17 and 19-28 should also likewise be deemed patentable. Applicant does not belabour this response by addressing the various points that might be made considering the dependent claims, the art applied thereto, or the logic of such rejections.

Accordingly, it is respectfully submitted that the presently claimed invention is clearly distinguishable over the teaching over the cited reference. Thus it is believed that the patent application is in a condition for allowance and early action in that respect is courteously solicited.

Respectfully submitted,

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